



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,137	10/24/2003	Mesut Gunduc	BEAS-01119US1	1772

23910 7590 04/06/2005

FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO, CA 94111

EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,137

Applicant(s)

GUNDUC ET AL.

Examiner

Daniel L. Greene

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because some of the drawings are hand numbered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 10/24/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-9, 12-20, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kampe et al., U.S. Patent 6,854,069 [Kampe].**

As per claims 1, 12, and 23-26:

The recitation, " A system/ method for providing a high availability clustering ..., A system/method for providing resource groups in a cluster ..., and A system/method for high availability clustering,..." has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a method, a system, an apparatus, etc. and the portion of the claim following the preamble is a self-contained description of the method or the system, etc., not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951)

Art Unit: 3621

Kampe discloses :

a computer that allows a user or application to access a set of resources of various resource types, said resources available at said computer or at another computer; Fig. 1, Col. 4-5, lines 55-67 and 1-26 respectively.

a cluster server that operates at said computer and that allows access to said set of resources; Col. 8, lines 16-50.

a resource interface provided by said cluster server and that allows the cluster server to communicate with said set of resources via a plurality of plugins into said resource interface, wherein each resource type is associated with a particular plugin, and wherein each resource of a particular type at said computer communicates with the cluster server via the particular plugin associated with that resource type; Col. 5, lines 35-40.

Kampe discloses the claimed invention except for wherein additional plugins may be included in the resource interface for other resource types. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to wherein additional plugins may be included in the resource interface for other resource types, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

and,

wherein the system can be extended by adding additional computers with cluster servers and resource interfaces operating thereon. Col. 5, lines 45-60.

As per claims 2 and 13:

Kampe further discloses:

wherein each of said cluster servers includes a heartbeat interface that provides heartbeat information to other cluster servers at said other application servers. Col. 13, lines 23-33.

As per claims 3 and 14:

Kampe further discloses:

wherein the system is Java-based. Col. 20, lines 20-63.

As per claims 4 and 15:

Kampe discloses the claimed invention except for wherein the system includes a JNDI interface that provides an interface between the cluster server and a JNDI-compliant database. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to wherein the system includes a JNDI interface that provides an interface between the cluster server and a JNDI-compliant database since it is known in the art that specific interfaces require same as specific compliant databases. Further, Kampe teaches the use of different interfaces for external management services **202**. Col. 5, lines 45-55.

Art Unit: 3621

As per claims 5 and 16:

Kampe further discloses:

wherein the system includes a cluster administration utility for accessing and administering the cluster server using remote method invocation calls. Col. 20, lines 15-23.

As per claims 6 and 17:

Kampe further discloses:

wherein each resource has a resource type associated with it. Col. 20, lines 15-23.

As per claims 7 and 18:

Kampe further discloses:

wherein resources are the object instances of their respective resource types. Col. 20, lines 15-23.

As per claims 8 and 19:

Kampe further discloses:

wherein a resource is any of a computer, Internet protocol address, disk, database, or file system or application. Col. 20, lines 15-23.

As per claims 9 and 20:

Kampe further discloses:

wherein the cluster server defines resource groups that includes clusters of resources. Col. 9, lines 15-25.

Claim Rejections - 35 USC § 103

6. **Claim 10, 11, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kampe as applied to claims 1-9, 12-20, and 23-26 above, and further in view of Wachtel U.S. Patent 6,847,974 B2 [Wachtel] and Burdeau U.S. Patent 6,868,442 B1 [Burdeau].**

As per claims 10 and 21:

Kampe discloses the claimed invention except for the wherein the plugins include a WebLogic plugin. However, Kampe does disclose the use of plugins. Col. 5, lines 35-43. Wachtel teaches that it is known in the art to provide wherein the plugins include a WebLogic plugin. Col. 9, lines 10-26 and Col. 13, lines 1-9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the plug-in components of Kampe with the WebLogic of Wachtel in order to provide the intelligent data assimilation system the ability to design and automate business processes that integrate data provider applications, search services, and human intervention.

As per claims 11 and 22:

Kampe discloses the claimed invention except for the wherein the plugins include a Tuxedo plugin. However, Kampe does disclose the use of plugins. Col. 5, lines 35-43. Burdeau teaches that it is known in the art to provide wherein the plugins include a Tuxedo plugin. Col. 6, lines 40-67 and Col. 7, lines 20-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the plug-in components of Kampe with the Tuxedo of Burdeau in order to provide the intelligent data assimilation system the ability to design and automate business processes that integrate data provider applications, search services, and human intervention.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Daniel L. Greene
Examiner
Art Unit 3621

3/22/2005